

**Town of Shandaken  
County of Ulster  
State of New York  
January 12, 2012 6pm**

The Town Board met on this date per the following notice published in the official town newspaper and town website, with the following members present:

Supervisor Stanley, Council Member Doris Bartlett, Council Member Vincent Bernstein, Council Member Alfred Higley, Council Member Jack Jordan. Recording Secretary Joyce Grant/Town Clerk.

**Pledge of Allegiance**

**Meeting Called To Order**

**PUBLIC NOTICE**

**TOWN OF SHANDAKEN PROPOSED SEWER USE LAW**

**PUBLIC HEARING**

TO: All interested parties and members of the public

FROM: Town Board for the Town of Shandaken

RE: Town of Shandaken Proposed Sewer Use Law Applicable to the Sewer Service  
Areas Served by the Pine Hill Wastewater Treatment Plant

DATE: December 8, 2011

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town Board for the Town of Shandaken at the Shandaken Town Hall on the 12th day of January, 2012 at 6:00 pm, regarding the adoption of a Sewer Use Law for the Hamlet of Pine Hill. This Law is being proposed as part of the Community Planning Measures taken by the Town in connection with the sewer extension being funded by the New York City Department of Environmental Protection extending the sewer system within the Hamlet of Pine Hill and its surrounding areas.

Copies of the proposed law shall be available at the time of the hearing and shall be available at times prior to and after the hearing at the Town Clerk's Office during normal business hours, and on the Town's website (<http://www.shandaken.us/>) for the purpose of inspection or procurement by interested persons.

The proposed Sewer Use Law establishes the regulations for the use of the Pine Hill Sewer Collection System and Treatment Plant. The proposed Sewer Use Law is modeled on a Sewer Use Law prepared by the New York State Department of Environmental Conservation for use across New York State.

Dated: December 8, 2011

Shandaken, N.Y.

By Order of Town Board

Laurilyn J. Frasier, RMC/MM



**Town of Shandaken Town Board Meeting Agenda**  
**Special Meeting**  
**Thursday, January 12, 2012**

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Supervisor's Opening Remarks**
4. **Public Hearing**
  - a. Speakers are asked to reference specific portions of the law, where applicable.
5. **Response on Public Hearing Comments**
6. **Resolutions**
50. Environmental Assessment – Negative Declaration
51. Adoption – Local Law #1 – 2012
  - a. Pine Hill Sewer Use Law
52. Supporting Belleayre Mountain
53. Registrar and Deputy Registrars for Vital Records
  - a. Joyce Grant, Jacqui Gugliemetti & Amie Goodrich

**Meeting Adjournment**

**Supervisor's remarks - Special Town Board meeting on Pine Hill Sewer Use Law**

January 12, 2012

Good evening. The Town Board has convened this meeting to discuss the possible adoption of a revised Sewer Use Law for the Hamlet of Pine Hill.

First, let me explain that this law is not simply an update to the existing law starting back in 1927, but the passage of this law will allow property owners adjacent to and east of the current Pine Hill Wastewater facility, free sewerage similar to the service the current residents of the Hamlet of Pine Hill enjoy.

We have been diligent in including clarifying language that insists that nothing contained in this current version of the law shall supersede the original agreements made with the then Village Board of Pine Hill.

There are no bills to be paid by current users. The NYCDEP continues to own and operate the collection systems and the plant. The NYC DEP will provide the laterals, connections, pumps and mains for the new hook-ups to within five feet of the outfall where their existing sewer line exits the foundation of their home or business.

This issue has been a topic of discussion with several administrations here in Shandaken, dating back at least 14 years. The DEP is ready to move on construction of this sewer extension, and, if the law is adopted, hopes to begin construction sometime this year.

I have written comments received by my office prior to this meeting and I will read them into the record following my comments here.

We ask that all those making comments tonight, please try to reference the specific portions of the law that pertain to their topic, so we may better address those issues directly. We ask that the public try to keep their comments brief and succinct in order to allow all members of the public the proper time to speak. Know that this is a public hearing and not a debate. We ask that if any members of the audience would like to respond to a comment made, please be respectful and withhold your comment until called upon.

Following the completion of public comments, we will ask Attorney Kevin Young, who has been working on this issue for the Town of Shandaken to address the concerns raised here tonight.

We ask that each of us be respectful to one another. We would also like to highlight that the Town Board will be more responsive to thoughtful concise comments specific to the issue as opposed to emotional rantings or blatantly false accusations. I'd like to now turn this over to any council members that wish to make comment.

**Special Meeting – Pine Hill Sewer Use Law  
January 12, 2012**

Robert A. Stanley - *Supervisor, Town of Shandaken*

**Public Comment:**

**Kathy Nolan - Shandaken**– Concerned that the contract protects DEP & not the town, Issues with some legal wording. Felt that Pine Hill should form a sewer district.

**Mary Herrmann – Pine Hill** – Disappointed there wasn't a public meeting in Pine Hill. Notice on website not informative enough. Issues with some of the use of "Shall" in document. Issues with sections 9.01, 3.08, 1.05.

**Richard Schaedle – Pine Hill** – Issues with legal wording section 4.08. Questions about maintenance and repair costs, section 5.11 & 9.01 wording. Hotel usage.

**Chandra Lencia - Pine Hill** – Issues with town paying for enforcement of sewer usage, DEP should handle enforcement

**Al Frisenda – Big Indian**– Costs, Legal wording issues 8.05, Inspections of sewer system

**Eric Conrad** – Big Indian Felt this has all gone on too long & would like to see the construction started.

**Attorney Kevin Young** – Addressed the public comments and clarified some of the legal wording of the proposed agreement. Clarified the language in section of section 4.08. He will submit it with the new updates.

**DATE: January 12, 2012**

**RESOLUTION #: 50**

**OFFERED BY: Supervisor Stanley**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF SHANDAKEN  
DETERMINING THAT THERE ARE NO ADVERSE IMPACTS  
ON THE ENVIRONMENT FROM THE ADOPTION OF A  
SEWER USE LAW FOR THE HAMLET OF PINE HILL**

**WHEREAS**, the Town Board is adopting a Sewer Use Law for the Hamlet of Pine Hill; and

**WHEREAS**, the possible environmental impacts of the adoption of the Sewer Use Law have been considered by the Town Board; and

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board has determined that the adoption of the Sewer Use Law for the Hamlet of Pine Hill will not have significant adverse impacts on the environment; and

**BE IT FURTHER RESOLVED**, that the Town Board authorizes the Supervisor to take such further steps as might be necessary to discharge the Board's responsibility as lead agency for this action including, but not limited to, the issuance of a negative declaration consistent with this resolution.

**AND MOVE ITS ADOPTION**

Seconded by: Council Member Bartlett

**Roll Call: 5 Ayes**

I have compared the preceding copy with the original Resolution on file in this office adopted by the Town Board of Shandaken at a regular meeting held January 12, 2012, and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

**ROLL CALL 5 Ayes**

**RESOLUTION #: 51**

**OFFERED BY: Supervisor Stanley**

**RESOLUTION ADOPTING THE SEWER USE LAW  
FOR THE HAMLET OF PINE HILL**

**WHEREAS**, Town Board for the Town of Shandaken has reviewed and extensively considered the proposed Sewer Use Law for the Hamlet of Pine Hill;

**WHEREAS**, the Town Board of the Town of Shandaken must adopt a sewer use law at least as stringent as the model sewer use law published by the New York State Department of Environmental Conservation in order to comply with existing contractual obligations under the Sewer Extension Agreement executed in 2007;

**WHEREAS**, the Town Board issued a negative declaration with respect to the adoption of the Sewer Use Law and determined that the proposed law will not have a significant adverse impact on the environment;

**WHEREAS**, the adoption of the Sewer Use Law is consistent with the Negative Declaration;

**WHEREAS**, the Town Board noticed a Public Hearing held on the 12<sup>th</sup> day of January, 2012 at 6 p.m. to provide the public with an opportunity to comment on the proposed Sewer Use Law and allowed written comments to be submitted up until 3 p.m on January 12<sup>th</sup>, 2012;

**WHEREAS**, the Town Board has also solicited the comments of involved agencies and the public; and

**WHEREAS**, the comments received has been given due consideration by the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that

1. That Sewer Use Law, being Local Law No. 1 of 2012, is hereby adopted and the Town Clerk is hereby directed to file said Local Law with the Office of the Secretary of State in accordance with State Law.

**AND MOVE ITS ADOPTION**

Seconded by: Council Member Higley

TOWN CLERK CERTIFICATION STATE OF NEW YORK }

COUNTY OF ULSTER }

TOWN OF SHANDAKEN }

I have compared the preceding copy with the original Resolution on file in this office adopted by the Town Board of Shandaken at a regular meeting held \_\_\_\_\_, 2012, and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

**ROLL CALL 5 Ayes**

**RESOLUTION #52**

**OFFERED BY:** Supervisor Stanley

**RESOLUTION IN SUPPORT OF IMMEDIATE REINSTATEMENT OF BELLEAYRE PROMOTIONAL PROGRAMS AND LOCAL INVOLVEMENT**

**WHEREAS**, Belleayre Mountain is the economic engine of the entire Route 28 corridor and has more than proven its worth not only during the winter season but during the recent devastating floods, it is essential New York State and specifically the NYSDEC, provide the necessary funding support the facility during the current operating season, AND

**WHEREAS**, In the past two years the DEC has made significant cuts to staff and at the same time reduced the operating budget 10% in 2010-11 and 14% for 2011-12. As a result of lack of funding for snow-making, rental equipment, and advertising as well as the elimination of promotional lift tickets the number

of skier visits is down nearly 70% from previous years. Last season the Friday before

Christmas over 1800 skiers were at Belleayre, while this year only 260 visitors came to the mountain. Statistics show that for every \$1 spent at Belleayre, \$8 is spent in the local economy AND

**WHEREAS**, after this year's floods, this area was severely hurt economically. Winter season is usually the time of the year for local businesses, lodging and restaurants, to prosper, however this year, when the income is most needed the lack of skier visits has greatly hurt any chance of economic recovery in the area AND

**WHEREAS**, while other area ski resorts have been experiencing an excellent season, mainly due to promotional efforts, increased snow-making capacity and aggressive marketing, Belleayre needs similar financial security in order to ensure the future viability of businesses along the Route 28 corridor and the economy of the Central Catskills.

**THEREFORE BE IT RESOLVED**, that the **Town of Shandaken Town Board**, along with other legislative bodies, formally requests that Belleayre be re-allocated the finances and promotional abilities that have helped the facility and the region, previously.

**BE IT FURTHER RESOLVED** that any further discussions on the future of Belleayre involve local elected officials from stakeholder communities along the Route 28 corridor and Ulster and Delaware Counties well prior to final decisions being made at the state level.

**AND MOVES ITS ADOPTION**

Seconded by: Council Member Jordan

**ROLL CALL 5 Ayes**

**RESOLUTION #53**

**OFFERED BY:** Supervisor Stanley

**VITAL STATISTICS OFFICER**

**WHEREAS**, pursuant to §20 of the Town Law, the Town Board should designate all appointed officers and employees of the Town,

**THEREFORE BE IT RESOLVED** that **Joyce A. Grant** be and hereby is appointed **Registrar of Vital Records** and that **Jacqueline Gugliemetti and Amie O. Goodrich** be and hereby are appointed **Deputy Registrars of Vital Records**, and hold these offices at the pleasure of the Town Board, and receive no compensation for the discharge of their duties.

**AND MOVES ITS ADOPTION**

Seconded by Council Member Bernstein

**ROLL CALL 5 Aye**

Signed this 13<sup>th</sup> day of February, 2012

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**Joyce Grant – Town Clerk**